

# TOWN OF HARWICH



## HARWICH BOARD OF HEALTH Tuesday, July 14, 2015 6:30 PM TOWN HALL – SMALL HEARING ROOM

### MINUTES

#### **I** CALL TO ORDER –

At 6:30 PM with a quorum present, Vice-Chair Watson called the meeting to order. Present: Board Members-Dr. Robert Insley, Pamela Howell RN, Frank Boyle, and Mary Jane Watson. Staff- Paula Champagne, Meggan Tierney. Excused absence- Chairman Stanley Kocot. Guests-John Ostman, Joshua Wile, Thomas Moore, Stephanie Sequin, Peter Wile, Harry Ellis, Dan Croteau, William Crowell, Mr. and Mrs. Hernandez.

#### **II** MINUTES OF PREVIOUS MEETING – 6/9/15.

Director Champagne requested the following corrections: page 1 section II –minutes of previous meeting should reflect those in attendance for the April meeting as Ms. Howell was absent and unable to vote on the minutes. Also on page 4, second to last paragraph, first line- change ‘Kokot’ to “Kocot”. Motion made by Mrs. Watson, 2<sup>nd</sup> by Mr. Boyle to adopt the minutes of June 9, 2015 as corrected. Unanimous.

#### **III** 6:00 – 6:30 PM - BOARD OF HEALTH WORK SESSION

##### REPORT OF THE HEALTH DIRECTOR *Covering the period of June 2015*

- Community Development Reorganization- Relocation of offices occurred on 6/25. The Health/ConsCom window is scheduled to close as soon as all the electronics are in place in the center area. A key provision of the reorg is the centralization of the permit intake group. Support staff for Health, Building, Planning and ConsCom are now located in one customer service area.
- Accela Computer Program Development- It has been 6+ weeks since our ‘go live’ occurred. Overall- given all of our foibles, we think it is going well. Reminder- this is just phase 1 of the project development- testing for successful transfer of our 100,000+/-records, learning application submittal and review, and establishing electronic workflow tracking. We are still developing and testing many of the output reports for daily use. The modules being tested so far are the community developing issues. We have not begun testing or viewing the annual business license portion. We have yet to develop the public portal. Of utmost importance is the discovery of very weak security within the system, particularly on closed projects and the need to lock data.
- Staff Updates- The part-time Health Inspector has been filled. Mark Polselli has been on staff 2 ½ days per week since June 16<sup>th</sup>. We are interviewing for the Administrative Assistant position and will hopefully have the position filled end of July-early August
- 2 Pilgrim Road-Hernandez- back on the agenda 7-14 for an alteration in floor plan. The alteration was done without benefit of any permits and thus was undetected by BOH. The applicant is submitting a plan with only the doors and

header removed in the desire to not damage paneling and architectural considerations. *Staff does not support this plan.*

- *Agway*- Request for certificate of Conformance – BOH Groundwater Protection Regulation. Special use/businesses in Zone II requires hearing before BOH. Certificate of Conformity must be issued.
- *Communicable Disease Investigation*- calls from Recreation & Community Center Director that a seasonal staff member had been exposed to mumps while traveling and was exhibiting symptoms Physician confirmed case in Harwich Worker. Risk Communication- Information seminar immediately conducted with life guard staff. Employees advised to check MMR status, monitor health during incubation period. MDPH mumps fact sheets distributed.
- *Beach Sampling Variances*- approved by MDPH- valid for 4 years to allow monthly versus weekly sampling due to exemplary sample results.
- *Franks Cucina*- notice to comply sent. We received 2 emails, 2 calls and one person at the counter supporting the BOH in the effort to regulate this business. Received a complaint of 20 cars over the holiday week-end- had to explain that this does not preclude someone from normal entertaining/picnics.
- *Recreation camps* Inspected and reviewed two recreation camps for children. We are exploring whether the Pleasant Bay Boating Community meets the definition of a camp and the need for review and licensure. We have had preliminary discussions and will continue to pursue.
- *Food Service*- Summer Sanitarian very busy- has assisted in conducting 44 inspections May 29-- July 1
- *Wastewater Education*- the BOS have established ‘Wastewater Education Moments’ as part of their new outreach campaign concerning the CWMP. I was requested to make a presentation on June 15<sup>th</sup> covering the topics of title 5 Septic systems- understanding their design and the efficacy of nitrogen removal. I prepared a 20 minute PowerPoint presentation, which was well received and was requested to make it available as a permanent training tool. It has been added to the WebPages for future access.

#### IV 7:00 PM - OLD/UNFINISHED BUSINESS

##### **A. Hearing-Hernandez, 2 Pilgrim Road –to reconsider Order of Conditions granted on 10/15/2013 – no increase in number of bedrooms – re: return to compliance plan following the construction of a room without permits.**

Attorney Bill Crowell addressed the board along with Architect Thomas Moore. Attorney Crowell discussed the letter he submitted, dated July 1, 2015, which describes the existing double doors to the “den” and the wall dividing the space from the existing bedroom which did not exist when the board originally approved the floor plan. He explained that the current owners had the wall constructed without permits and were unaware of the significance of changing the floor plan and creating a separate room. The owners would prefer to remove the double doors to the den, remove the trim and create a wider opening in order to eliminate the privacy in the room which would be consistent with using the space as a den and not a bedroom. Photographs of the double doors and wall were distributed to the board. Madam Chair declares the hearing open. Director Champagne asked Mr. Crowell if any permits to construct the wall have been pulled and if the individual who performed the work was a licensed contractor who would have been aware of the need for permits. Attorney Crowell responds, his clients will move forward with the needed permits after the board makes a decision on the double doors. Director Champagne inquires if the Hernandez were aware of the Orders of Conditions of November 2013. Attorney Crowell responds that he does not know. Dr. Insley requests that the board be informed of the name of the attorney who did the closing and the builder of the wall so they can be so informed that they violated essential rules of the road. Attorney Crowell said that is obtainable information. Director Champagne reminded the board that a meeting took place on the staff level with Thomas Moore and Mr. Hernandez to discuss possible changes to the floor plan that would be amenable to the board in order for them to accept the constructed wall. The plan that was agreed upon during that meeting included opening the wall to the staircase and have open balusters to match the opposite side. This would make it architecturally difficult to return to noncompliance. That is not the plan that was submitted and staff cannot support the submitted plan. Mr. Moore explained that after the meeting a site visit was made and the Hernandez wish to keep the paneling along the stairs. Attorney Crowell asks if the proposed door opening is not sufficient enough to have the boards’ approval. Ms. Howell responds essentially yes. Madam Chair Watson asks if the suggestion that the Director had made is not a viable option. Mr. Moore responds that it is not an option for his clients due to the paneling. Attorney Crowell requests a short moment to confer with his clients regarding the feelings of the board. Attorney Crowell returns with an alternative floor plan that consists of removing a 6’ section of wall

between the den and bedroom. This would return this to one large room and keep the double doors. New plans were distributed to the board. Director Champagne indicated that this new plan is generally a recommended technique and we would look at it as a bedroom suite and this is in keeping with past practice. We approve this type of solution on the staff level and recommend the plan dated 7/14/15 be considered as a return to compliance plan and is in keeping with the original order of conditions. Dr. Insley motions to close the hearing, Frank Boyle 2nds the motion. No further discussion. Frank Boyle motions to accept the recommendation of Director Champagne for the 7/14/15 plans. Ms. Howell seconds the motion. Unanimous.

Hearing was declared re-opened by Madam Chair Watson at the request of Attorney Crowell. The board needs to discuss the reconsideration of the shower in the basement as requested in the letter dated July 1, 2015 and seen on plan A3, ex3. Attorney Crowell said that the shower in the basement is pre-existing as shown on ex3, the new plan proposed includes the expansion of the full bathroom to include a washer and dryer. Madam Chair Watson closed the hearing. A discussion of the previous meeting took place. Director Champagne stated that a point of order would require the board to rescind the previous order of conditions from the 6/9/15 meeting which states that no plumbing for a shower be installed in the basement. Mr. Boyle motions to rescind the previous order of conditions regarding the shower. Dr. Insley seconds the motion. Unanimous. Attorney Crowell inquired about the timeframe for receiving a sign off on the current building permit, Director Champagne explained that we need to ensure that an after the fact building permit be applied for the wall opening and that all plans going to the building department reflect the board of health requirements.

## V NEW BUSINESS

**A. Hearing – Godshall, 2A Sea Street, to consider variances to replace a sewage disposal system prepared by Moran Engineering Associates LLC.**

- 1. Per 310 CMR 15.211 (1) Minimum setback distances: variance request of 10'. Septic retaining wall and barrier liner extend below basement floor;**
- 2. Harwich Board of Health Reg. 1.210 minimum setback distances: SAS to coastal dune – 100' required 40' proposed; pressure dose leach filed proposed;**
- 3.3' Variance from Harwich Board of Health Reg. 1.210 minimum setback distances: SAS to IVW 100' required: 57' proposed, variance request of 43' – pressure dose leach field proposed and SAS hydraulically down-gradient from IVW.**

Madam Chair Watson declared the hearing open. Dan Croteau of Moran Engineering presented with his client Harry Ellis. Director Champagne advised that the project has not received conservation approval yet. Dan Croteau explained that the Commission is only waiting for NHTSP approval, that process can take up to 30 days and they have not responded yet. The building is under construction in a flood plain and moving forward with approvals is vital for safety reasons. He would like to take the opportunity for a discussion to make sure there are not any issues that need to be addressed. Dr. Insley agrees it would be polite to hold a discussion. Mr. Boyle states the project looks like a decrease in the number of bedrooms. Mr. Croteau agrees and says that now the house is being pulled back from the coastal dune and goes into the history of why this is happening; Board of Appeal violation resulted in need to meet FEMA regulations, which requires the house to be jacked up on pilings or moved out of the 3' wave zone. The proposed SAS is moving further from the mean high water and closer to the IVW which is not regulated. Director Champagne reminded the members of the original approval in November 2014 where the board felt the project was a great improvement. Protocol would require the board to 1. Rescind previous variances granted 2. concur that the house and septic are similar to what was proposed in November and 3. approve variances which maximize the distance to Nantucket Sound. Staff recommends approval of this project at the August meeting. Mr. Boyle makes a motion to continue the hearing the August meeting. Dr. Insley seconds the motion. Unanimous.

**B. Hearing – Agway of Cape Cod, 1405 Orleans Road. Request for "Certificate of Conformance" to allow proposed retail building and associated activities within a Zone II.**

Madam Chair Watson opened the hearing. John Ostman-Consultant with International Value Strategies, Josh Wile – vice president of operations, Peter Wile – owner, and Stephanie Sequin are presenting. A PowerPoint presentation was given outlining the standard operating procedures of Agway and the proposed site conditions. Handouts with best management practices were included with the packet. The timeline for construction is to start in the late fall of 2015 and be open for business in the spring of 2016. All fertilizers are packaged by the manufacturer and will only be stored and sold indoors along with all chemical products. There will be no power irrigation; hand watering only of nursery stock. Madam Chair Watson closes the hearing. Director Champagne acknowledges the amount of work and detail that have gone into this hearing and that she was pleased with the presentation and recommends approval. Mr. Boyle motions to accept the recommendation of the Director. Ms. Howell seconds the motion. Unanimous.

**VI REPORT OF THE HEALTH DIRECTOR *Covering the period June 2015***

The report was completed during the work session.

**VII PERMITS**

See Attached. Health Director requested ratification of her action regarding the approval of business permits as outlined on the list given during the June 9, 2015 meeting. A vote was not taken at the previous meeting and the Health Director issued the permits to keep the business community operating rather than continue the list for another month. Motion made by Dr. Insley, 2nd by Mr. Boyle to accept ratify the action of the Health Director regarding the permits of June 9, 2015. Unanimous. Health Director recommended the approval of the business permits as outlined on the list dated July 13. Motion by Dr. Insley, 2<sup>nd</sup> by Ms. Howell. Unanimous.

**VII CORRESPONDENCE**

No correspondence to discuss

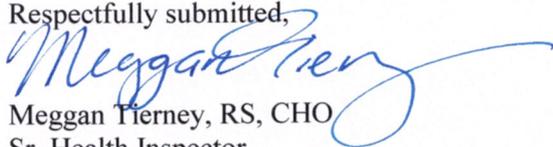
**IX OTHER**

**X ADJOURN**

Motion by Dr. Insley, 2<sup>nd</sup> by Ms. Howell to adjourn the meeting at 8:20 PM. Unanimous

**Submittals for this meeting are part of the permanent record.**

Respectfully submitted,



Meggan Tierney, RS, CHO  
Sr. Health Inspector

**Next meeting is Tuesday, August 11, 2015 at 6:30 p.m. In the small hearing room**